

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

WILLIAM L. SULLIVAN, #157 996 *

Plaintiff, *

v. *

2:05-CV-1033-ID
(WO)

SIDNEY WILLIAMS, *et al.*, *

Defendants. *

ORDER ON MOTION

Plaintiff has filed a *Motion for Leave to File a Subpoena Duces Tecum*. (Doc. No. 81.) Attached to the motion is Plaintiff's proposed *Civil Subpoena for Production of Documents and/or Subpoena Duces Tecum*. Plaintiff has also submitted a *Motion to Supplement [Proposed] Subpoena Duces Tecum Filing*. (Doc. No. 82).

The court has reviewed Plaintiff's proposed request for a *subpoena duces tecum*, including his motion to supplement the proposed discovery request. In light of that review, the undersigned concludes that the pending motion shall be denied. The documents requested in Plaintiff's proposed discovery request, as supplemented, are either cumulative of information already provided by Defendants, irrelevant, and/or unnecessary to a determination of the issue pending before this court. Furthermore, Rule 56, F.R.Civ.P., does not condone fishing expeditions through agency files searching for documents which might

confirm a party's information and/or belief, *see Lesley v. Whetsel*, 110 Fed. Appx. 851, 853 (10th Cir. 2004) or "where a plaintiff merely hopes to uncover some possible evidence of a constitutional violation."¹ *Duffy v. Wolle*, 123 F.3d 1026, 1041 (8th Cir. 1997). Plaintiff's proposed request for discovery, however, may be reconsidered if warranted by further developments in this case.

Accordingly, it is

ORDERED that Plaintiff's *Motion for Leave to File a Subpoena Duces Tecum* (Doc. No. 81), is DENIED. It is further

ORDERED that Plaintiff's *Motion to Supplement [Proposed] Subpoena Duces Tecum Filing* (Doc. No. 82) is DENIED.

Done this 29th day of June 2006.

/s/ Vanzetta Penn McPherson
VANZETTA PENN MCPHERSON
UNITED STATES MAGISTRATE JUDGE

¹The undersigned notes that court records, in general, are public records which are available for inspection and/or copying upon request and such requests for copying and/or inspection may be made through the appropriate court.